S.B. CIVIL WRIT PETITION NO.7251/2007.

Shyam Sunder Sharma
Vs.
Rent Tribunal and ors.

Date of order :- 26/9/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri G.D. Parwal for the petitioner.

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The petitioner has challenged the order dated 16/7/2007 passed by the trial court whereby his application for impleadment under Order 1 Rule 10 CPC as a defendant in the suit filed by the plaintiff non-petitioner No.2 against the defendant non-petitioner No.3 for eviction has been rejected. Learned trial court has rejected the application observing that final arguments in the matter had been heard on 22/1/2007 and the matter was posted for pronouncement of judgment on 3/2/2007. Application was filed by the petitioner on that date on the ground that he was tenant of the original landlord Vinod Kala and not of Nanulal. Learned trial court observed that such fact does not find mention in the sale-deed under which new owner purchased the premises and if the erstwhile owner had taken possession from Nanulal and handed over to the petitioner, he would have certainly mentioned that fact in the sale-deed. Learned trial court therefore

concluded that the petitioner and Nanulal have not come with clean hands and, therefore, finding the application not bonafide, rejected the same.

I do not find that the impugned order suffers from any such irregularity or illegality so as to warrant interference by this Court. If the petitioner considers himself to be tenant of the landlord on the basis of his earlier possession, he can avail of any legal remedy which may be available to him in law.

The writ petition is accordingly dismissed with the aforesaid observations.

(MOHAMMAD RAFIQ), J.

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